

105TH CONGRESS
1ST SESSION

H. R. 1767

To consolidate in the Administrator of General Services authorities relating to the control and utilization of excess and surplus property, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 1997

Mr. PETERSON of Minnesota introduced the following bill; which was referred to the Committee on Government Reform and Oversight, and in addition to the Committees on National Security, Small Business, Science, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To consolidate in the Administrator of General Services authorities relating to the control and utilization of excess and surplus property, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Surplus Prop-
5 erty Reform Act of 1997”.

1 **SEC. 2. SPECIAL AUTHORITIES OF SECRETARY OF DE-**
2 **FENSE REGARDING DISPOSAL OF EXCESS**
3 **AND SURPLUS PROPERTY.**

4 (a) EXPANSION OF LIMITATION ON USE OF EXCESS
5 NONLETHAL SUPPLIES FOR INTERNATIONAL ASSISTANCE
6 PROGRAMS.—

7 (1) EXPANSION OF LIMITATION.—Section 2552
8 of title 10, United States Code, is amended to read
9 as follows:

10 **“§ 2552. Limitation on use of nonlethal excess sup-**
11 **plies from Department of Defense stocks**
12 **in foreign assistance, humanitarian as-**
13 **sistance, and military sales programs**

14 “(a) LIMITATION.—Nonlethal excess supplies from
15 the stocks of the Department of Defense may be trans-
16 ferred to a foreign country or international organization
17 pursuant to part II of the Foreign Assistance Act of 1961
18 (22 U.S.C. 2301 et seq.) or section 21 of the Arms Export
19 Control Act (22 U.S.C. 2761) or used for humanitarian
20 relief purposes under section 2547 of this title only if—

21 “(1) no department or agency of the Federal
22 Government (other than the Department of De-
23 fense), no State, and no other person or entity eligi-
24 ble to receive excess or surplus property under the
25 Federal Property and Administrative Services Act of
26 1949 (40 U.S.C. 472 et seq.) submits to the Admin-

1 istrator of General Services a request for the non-
2 lethal excess supplies; or

3 “(2) the President certifies to Congress that the
4 transfer is necessary in order to respond to an emer-
5 gency for which the nonlethal excess supplies are es-
6 pecially suited.

7 “(b) NONLETHAL EXCESS SUPPLIES DEFINED.—In
8 this section, the term ‘nonlethal excess supplies’ means
9 property, other than real property, of the Department of
10 Defense—

11 “(1) that is excess property, as defined in regu-
12 lations of the Department of Defense; and

13 “(2) that is not a weapon, ammunition, or other
14 equipment or material that is designed to inflict seri-
15 ous bodily harm or death.”.

16 (2) CONFORMING AMENDMENT.—Section
17 2547(a) of such title is amended by striking “The
18 Secretary of Defense” and inserting “Subject to sec-
19 tion 2552 of this title, the Secretary of Defense”.

20 (3) CLERICAL AMENDMENT.—The table of sec-
21 tions at the beginning of chapter 152 of such title
22 is amended by amending the item relating to section
23 2552 to read as follows:

“2552. Limitation on use of nonlethal excess supplies from De-
fense stocks in foreign assistance, humanitarian assistance, and
military sales programs.”.

1 (b) ELIMINATION OF GENERAL DELEGATION TO
2 SECRETARY OF DEFENSE OF DISPOSAL AUTHORITY
3 OVER PERSONAL PROPERTY.—

4 (1) BASE CLOSURES UNDER 1988 ACT.—Section
5 204(b)(1) of the Defense Authorization Amendments
6 and Base Closure and Realignment Act (Public Law
7 100–526; 10 U.S.C. 2687 note) is amended—

8 (A) in the matter above subparagraph (A),
9 by striking out “real property, facilities, and
10 personal property,” and inserting in lieu thereof
11 “real property and facilities”;

12 (B) in subparagraph (A), by inserting “,
13 other than personal property,” after “excess
14 property”;

15 (C) in subparagraph (B), by inserting “,
16 other than personal property,” after “surplus
17 property”; and

18 (D) in subparagraph (C), by inserting be-
19 fore the period at the end the following: “,
20 other than such authority with respect to per-
21 sonal property”.

22 (2) BASE CLOSURES UNDER 1990 ACT.—Section
23 2905(b)(1) of the Defense Base Closure and Re-
24 alignment Act of 1990 (Public Law 101–510; 10
25 U.S.C. 2687 note) is amended—

1 (A) in the matter above subparagraph (A),
 2 by striking out “real property, facilities, and
 3 personal property,” and inserting in lieu thereof
 4 “real property and facilities”;

5 (B) in subparagraph (A), by inserting “,
 6 other than personal property,” after “excess
 7 property”;

8 (C) in subparagraph (B), by inserting “,
 9 other than personal property,” after “surplus
 10 property”; and

11 (D) in subparagraph (C), by inserting be-
 12 fore the period at the end the following: “,
 13 other than such authority with respect to per-
 14 sonal property”.

15 (c) SUPPORT FOR REGIONAL EQUIPMENT CEN-
 16 TERS.—

17 (1) NEWPORT TOWNSHIP CENTER.—Section
 18 210 of Public Law 101–302 (104 Stat. 220) is re-
 19 pealed.

20 (2) CAMBRIA COUNTY CENTER.—Section 9148
 21 of Public Law 102–396 (106 Stat. 1941) is re-
 22 pealed.

1 **SEC. 3. REPEAL OF AUTHORITY TO TRANSFER SURPLUS**
 2 **PROPERTY TO DISADVANTAGED SMALL BUSI-**
 3 **NESS CONCERNS ON PRIORITY BASIS.**

4 Section 7(j)(13)(F) of the Small Business Act (15
 5 U.S.C. 636(j)(13)(F)) is amended—

6 (1) in the first sentence by striking “or surplus
 7 property”;

8 (2) in the second sentence by striking “or prop-
 9 erty”;

10 (3) by striking the third sentence; and

11 (4) in the fourth sentence by striking “or prop-
 12 erty”.

13 **SEC. 4. SURPLUS EQUIPMENT OF DEPARTMENT OF EN-**
 14 **ERGY RESEARCH AND DEVELOPMENT FA-**
 15 **CILITIES.**

16 Section 3166(b) of the Department of Energy
 17 Science Education Enhancement Act (42 U.S.C.
 18 7381c(b)) is amended—

19 (1) by striking paragraph (2); and

20 (2) by redesignating paragraphs (3) through
 21 (6) as paragraphs (2) through (5), respectively.

22 **SEC. 5. EXCESS LABORATORY RESEARCH EQUIPMENT.**

23 (a) REPEAL.—Section 11(i) of the Stevenson-Wydler
 24 Technology Innovation Act of 1980 (15 U.S.C. 3710(i))
 25 is repealed.

1 (b) DELEGATION OF AUTHORITY TO DIRECTORS OF
2 FEDERAL LABORATORIES.—Section 203(j) of the Federal
3 Property and Administrative Services act of 1949 (40
4 U.S.C. 484(j)) is amended by adding at the end the follow-
5 ing new paragraph:

6 “(6) Under such regulations as the Administrator
7 may prescribe, the Administrator may delegate to the di-
8 rector of any Federal laboratory (as defined in section
9 12(d)(2) of the Stevenson-Wydler Technology Innovation
10 Act of 1980 (15 U.S.C. 3710a(d)(2))) the authority of the
11 Administrator under this subsection with respect to the
12 transfer and disposal of scientific and technical surplus
13 property under the management or control of that Federal
14 laboratory, if the director of the Federal laboratory cer-
15 tifies that the equipment is needed by an educational insti-
16 tution or nonprofit organization for the conduct of sci-
17 entific and technical education and research.”.

○